



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Mag. Case No. **'08 MJ 8504**
Plaintiff,)
v.) COMPLAINT FOR VIOLATION OF:
Antonio Jose MARTINEZ-Aguilar)
Defendant.)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about June 3, 2008, within the Southern District of California, defendant Antonio Jose MARTINEZ-Aguilar, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Noe RESENDIZ-Garcia, Erika RESENDIZ-Resendiz and Marisol ALEJANDRA-Contreras had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

[Signature]

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 4th DAY OF JUNE 2008.

[Signature]

Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Antonio Jose MARTINEZ-Aguilar

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the
6 investigative reports by U.S. Border Patrol Agent C. Pelusi that on June 3, 2008, the
7 defendant, Antonio Jose MARTINEZ-Aguilar, a citizen of Mexico was apprehended
8 near Calexico, CA along with (3) three undocumented aliens from Mexico, in violation of
law.

9 On June 3, 2008, Agent Pelusi was assigned duties at the Highway S2 Border
10 Patrol Checkpoint north of Ocotillo, California. While working the primary inspection
11 lane of the checkpoint a white 1991 Acura sedan approached Agent Pelusi. After the
12 sedan stopped, Agent Pelusi identified himself to the driver, later identified as Antonio
13 Jose MARTINEZ-Aguilar, and the other occupants of the sedan. Agent Pelusi
14 attempted to question MARTINEZ in the English language, but shrugging his shoulders
15 and arms, MARTINEZ indicated to Agent Pelusi he did not understand his questions.
16 Agent Pelusi began to question MARTINEZ in the Spanish language. MARTINEZ
17 hesitatively answered Agent Pelusi's questions. MARTINEZ claimed to be a United
18 States citizen. Agent Pelusi questioned the other occupants of the sedan in the
19 Spanish language and they too claimed to be United States citizens. Agent Pelusi
20 noticed while questioning MARTINEZ and the other occupants, they were nervous,
21 hesitated to answer questions and avoided eye contact with the Agent Pelusi. Agent
22 Pelusi referred the sedan to the secondary inspection area for further questions.

23 While in the secondary inspection area, MARTINEZ admitted to being born in
24 Mexico and being in the United States without any documentation to be in, work or
25 reside here legally. The other occupants admitted also of being citizens of Mexico
26 illegally in the United States. MARTINEZ and the others were placed under arrest.

27 Agent P. Cruz read MARTINEZ his rights per Miranda. MARTINEZ stated he
28 understood his rights and was willing to speak with agents without an attorney present.
29 MARTINEZ stated he made arrangements with a smuggler to pay \$1,400.00 to be

smuggled into the United States. MARTINEZ stated after crossing the International Boundary from Mexico he met up with his friend who gave him the sedan to go pick up some new employees for their business. MARTINEZ stated he encountered the three individuals and asked them if they needed a ride. MARTINEZ stated they agreed to pay him \$200.00 for him to transport them to Escondido, CA. MARTINEZ stated he knew the three individuals are illegal aliens too.

Material Witnesses Noe RESENDIZ-Garcia, Erika RESENDIZ-Resendiz and Marisol ALEJANDRA-Contreras stated they are citizens of Mexico with no documentation to be in, work or reside in the United States Legally. Noe RESENDIZ-Garcia, Erika RESENDIZ-Resendiz and Marisol ALEJANDRA-Contreras stated after crossing the International Boundary from Mexico they encountered MARTINEZ and he agreed to take them to San Diego and Escondido for a fee. Noe RESENDIZ-Garcia, Erika RESENDIZ-Resendiz and Marisol ALEJANDRA-Contreras were all shown a six-pack photo line-up and identified photo number 2, MARTINEZ, as the driver of the sedan.

The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Noe RESENDIZ-Garcia	Mexico
Erika RESENDIZ-Resendiz	Mexico
Marisol ALEJANDRA-Contreras	Mexico

Further, complainant states that Noe RESENDIZ-Garcia, Erika RESENDIZ-Resendiz and Marisol ALEJANDRA-Contreras are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.